



53
2 August 1860. 23 & 24 Vict.



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TO

Provide for the Destruction of certain Weeds in Ireland.

- W**HEREAS it is expedient to provide for the Destruction of certain Weeds in Ireland growing in Places whence their Seeds might otherwise be carried by the Wind upon the adjoining Lands, thereby causing great Injury to such Lands, and serious Loss to the Occupiers of the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:
- 10 I. It shall be lawful for the Occupier of any cultivated Lands, whether Arable or Pasture, who shall have Reason to apprehend Injury to the same by reason that the Seeds of certain Weeds commonly known as Thistles, Docks, or Rag Weeds, growing in any adjoining Field, or in any adjoining Cemetery, or upon the Sides of
15 any adjoining Railway or Canal, might be carried by the Wind upon such Lands, to serve a Notice of the Form A. in the Schedule to this Act upon the Owner in occupation of any such Field, or upon the Clerk of the Board or Secretary of the Company to which any such Cemetery, Railway, or Canal shall belong, requiring him to
20 cause such Weeds to be cut down and destroyed: Provided always, that this Provision shall not apply to any Docks or Rag Weeds
[Bill 307.] A growing
- Prescribed.
Expedient
to prevent
certain
Weeds being
propagated
by the
Wind.*
- Authority to
require
adjoining
Owners
to cut
down certain
Weeds,
in Fields or
Cemeteries,
and along
Railways
and Canals,
by Service
of Notice.
Limit of
Distance as
to certain
Weeds.*

	growing beyond a Distance of <i>Thirty Yards</i> from the Boundary of such Lands; and such Notice shall be conformable to the following Regulations:	
Notice to specify		
The Kind of Weeds :	1. It shall describe clearly the particular Kind of Weeds required to be cut down :	5
The Locality.	2. It shall describe clearly the particular Places in which such Weeds shall be growing :	
To be served as a Summons.	3. It shall be served by such Occupier, or by some fit Person on his Behalf, upon such Owner or Secretary, in like Manner as any Summons is herein-after authorized to be served :	10
In case of Neglect.	And in case the said Owner, Board, or Company shall neglect to cause such Weeds to be cut down and destroyed within the Period of <i>Fourteen Days</i> from the Day of the Service of the said Notice, so that they shall not be capable of being propagated by means of the Wind carrying their Seeds upon the said Lands, such Owner, Board, or Company shall be liable to a Penalty not exceeding <i>Five Pounds</i> :	15
Penalty. Second Notice may be served on Neglect of First.	And whenever the said Owner, Board, or Company shall have neglected to cause such Weeds to be so cut down and destroyed within the said Period, it shall be lawful for the said Occupier to serve a Second Notice of the like Form and in the like Manner as any such First Notice upon the said Owner, Clerk, or Secretary ; and in case the said Owner, Board, or Company shall again neglect to cause the said Weeds to be so cut down and destroyed within the further like Period of <i>Fourteen Days</i> from the Day of the Service of such Second Notice, such Owner, Board, or Company shall be liable to a Second Penalty not exceeding double the Amount of such First Penalty, and in addition to the same.	20
Second Penalty double Amount of First.		25
Authority to enter and destroy Weeds.	II. It shall also be lawful for the Justices at Petty Sessions to authorize such Occupiers in certain Cases to enter and destroy such Weeds themselves, subject to the following Provisions :	30
On Neglect of Notice in certain Cases.	1. Whenever any such Board or Company shall have neglected to cause such Weeds growing in any such Cemetery, or along the Sides of any such Railway or Canal, to be cut down and destroyed within the Period required by any such First or Second Notice, it shall then be lawful for the Justices, upon the Application of such Occupier, to make an Order of the Form B. in the Schedule to this Act, authorizing such Occupier (or some Person on his Behalf) to enter, along with such Assistants as may be necessary, into the Places in which such Weeds shall be growing, and to cut down and destroy the same ; and in every such Case such Board or Company shall be liable, in addition to any such First or Second Penalty, to a further Penalty of an Amount not exceeding the Amount of the Expenses reasonably incurred by such Occupier in so cutting down and destroying such Weeds.	35
Order to enter and destroy.		40
Further Penalty equal to the Expenses incurred.		45
	2. When-	

2. Whenever the Occupier of any such Lands shall apprehend any like Injury to such Lands from the like Growth of any such Weeds upon the Sides of any public High Road, or within any Churchyard or Burial Ground not being walled in, or upon any public Common, Racecourse, Quarry, Sandpit, Sea Beach, or Waste Grounds, it shall be lawful for the Justices, upon the Application of any such Occupier, to make an Order of the Form B. in the Schedule to this Act annexed, authorizing such Occupier, or some Person on his Behalf, to enter, along with such Assistants as may be necessary, into such Places, and to cut down and destroy such Weeds, at his own Cost and Trouble:
- And any Order so made under the Provisions of this Act shall be a full and sufficient Authority for such Occupier or Person, and his Assistants, to enter into the Places in which such Weeds shall be growing, and to cut down and destroy the same; and neither he nor they shall be deemed Trespassers in such Places, except so far as he or they shall cause any wilful or unnecessary Damage in the said Places.
- III. Every Penalty to which any such Owner, Board, or Company shall have so become liable shall be payable to the said Occupier by whom such Notice shall have been given; and every such Penalty shall be recoverable by such Occupier from such Owner, or from the Clerk of such Board, or from the Secretary of such Company, as the Case may be, in the same Manner as any Sum due for Damages or otherwise is now recoverable, by an Order of the Justices at Petty Sessions.
- IV. All Proceedings for the Hearing and Determination of any Application or Complaint under this Act as to any such Order, or the Recovery of any such Penalty, or the Appearance of any Witness, or as to any Appeal, shall be subject in all respects to the Provisions of "The Petty Sessions Act, Ireland, 1851," as amended by "The Sessions Clerk (Ireland) Act, 1856," so far as the same shall be consistent with the Provisions of this Act; and the Justices at the Petty Sessions of the District in which the Places where such Weeds shall be growing shall be situated are hereby authorized to hear and determine all such Applications and Complaints, as fully as they are authorized to hear and determine any other Matter at Petty Sessions, but subject to the following Provisions:—
1. In case of an Application for an Order to cut down and destroy Weeds in any of the Places named in the Second Section of this Act at the Applicant's own Cost and Trouble, it shall be lawful for the Justices to act without the Issue of any Summons for the Purpose, unless where they shall deem it expedient
- In certain Cases no Notice necessary.*
- Order to destroy by Applicant, at his own Cost.*
- Order to destroy to be a sufficient Authority.*
- No Trespass, except where wilful Damage.*
- Penalty shall be payable to the injured Occupier, and be recoverable at Petty Sessions.*
- All Proceedings to be subject to Petty Sessions Acts.*
- Justices at Petty Sessions to have Jurisdiction to act.*
- Special Provisions.*
- 1. Application for Order to destroy.*

lient that a Summons shall be first served upon some Person interested in the Matter :

2. Service of Summons or Notice.

Boards and Railway or Canal Companies may be served by Post.

3. Order to be founded on Proof of

Service of Notice,

Neglect without reasonable Cause, and bonâ fide Injury.

Orders to destroy not to be subject to Appeal. Orders for the Recovery of Penalties to be subject to Appeal.

Interpretation of Words.

2. Every Summons and Notice under this Act shall be served in like Manner in all respects as any Summons is required and authorized to be served under the Provisions of the said recited Acts: Provided always, that in case of any Proceeding as to any Board, Railway, or Canal Company, any such Summons or Notice shall be deemed sufficiently served if left at (or transmitted by Post to) One of the principal Offices of such Board, Railway, or Canal Company, addressed to the Secretary or Clerk, as the Case may be, of such Board or Company :
3. No Order shall be made by the Justices for the Recovery of any Penalty under this Act, or to authorize any Person to enter and cut down and destroy any Weeds in the Places named in the Second Section of this Act, unless he shall have been clearly satisfied that such Notice as aforesaid had been duly served, and that there was no reasonable Cause for the Neglect of which Complaint shall have been made, and that the Complainant would sustain or had sustained bonâ fide Injury by such Neglect :

And no Order made by the Justices to authorize any Person to enter and cut down and destroy any Weeds, under the Provisions of this Act, shall be subject to Appeal; but any Order made by the Justice for the Recovery of any Penalty under the Provisions of this Act shall be subject to an Appeal to Quarter Sessions, in like Manner in all respects as any other Order made by the Justices at Petty Sessions is now subject to Appeal under the Provisions of the said recited Acts.

V. The Words "Occupier" of any Lands, and "Owner in occupation" of any Fields, shall mean the Persons who shall respectively occupy such Lands or Fields, and have at the Time the immediate beneficial Use of the same, whatever may be the Tenure by which he shall hold the same; and such Words shall include the personal Representatives respectively of such Persons: The Word "Field" shall mean any Piece of Land, whether open or inclosed, used for any Agricultural or Manufacturing Purpose: The Word "Board" shall mean any Board of Poor Law Guardians or Burial Board to which any such Cemetery shall belong.

Title of Act. To apply to Ireland only, and not to Police Districts of Dublin.

VI. This Act may be cited for all Purposes as "The Weeds Act, 40 Ireland, 1850."

VII. This Act shall extend to Ireland only, but shall not extend to the Police District of Dublin Metropolis.

SCHE-

SCHEDULE.

Form A.

County of Petty Sessions, District of
 I, the undersigned Occupier of the following Lands, viz.
 Hereby, in pursuance of the Provisions of "The Weeds Act, Ireland,
 1860," require you, within Fourteen Days from the Day of the
 Service upon you of this Notice, to cause to be cut down and
 destroyed the following Weeds; viz.
 now growing in the following Places; viz.
 so that the Seeds of the same shall not be carried by the Wind on
 the said Lands, to the Injury of the same.

Signed of
 this Day of

Form B.

County of Petty Sessions District of
 I hereby authorize of together
 with such Assistants as may be necessary, to enter, pursuant to the
 Provisions of "The Weeds Act, Ireland, 1860," into the following
 Places; viz.
 and to cut down and destroy the following Weeds; viz.
 now growing in such Places, so that the Seeds of the same shall not
 be carried by the Wind upon the Lands of the said

Signed J.P. of the above District,
 this Day of

Weeds Destruction (Ireland).

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B I L L

To provide for the Destruction of certain
Weeds in Ireland.

(Proposed and brought in by
Sir POTTES SWEETIE and Mr. DILLON)

Ordered by The House of Commons, to be Printed,
2 August 1900.

[Bill 307]

Under 1 oz.